

Serial No.: 09/914,638

Applicants wish to extend their gratitude to the Examiner for agreeing to a telephone interview with the undersigned and for confirming that the PCT application from which the subject U.S. patent application claims priority may be used as the basis for resolving issues relating to the introduction of new matter into the subject application.

In response to the previous Office Action mailed 18 August 2003, Applicants filed an Amendment by Certificate of Mailing dated 18 November 2003 by which the claims of the subject application were amended to include a limitation relating to impregnation of a porous YSZ layer with a metal-containing salt solution comprising an electron-conducting metal having an oxide form which melts at a temperature less than about 1550°C. This amendment has been objected to by the Examiner under 35 U.S.C. 132 on the basis that it introduces new subject matter into the application. Similarly, Claims 1-20 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner indicates that the claims as amended contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time of filing the application, had possession of the claimed invention. More particularly, the Examiner indicates that a metal oxide melting point of less than about 1550°C is considered new subject matter. Applicants

Serial No.: 09/914,638

respectfully traverse this rejection and urge that the amendment of the claims of the subject application to incorporate the subject matter referred to by the Examiner does not constitute the impermissible addition of new subject matter into the application.

Applicants are enclosing herewith a copy of PCT International Application No. PCT/US00/05735 (hereinafter “the PCT application”) from which the subject U.S. patent application claims priority. Claim 20 of the PCT application recites a method for generating electricity using a solid oxide fuel cell comprising “an anode electrode comprising a porous YSZ layer and an electron-conducting metal having an oxide form which melts at a temperature less than about 1550°C...”, which Applicants respectfully urge provides support for the incorporation of this limitation into the amended claims of the subject U.S. patent application. Indeed, *Claim 17 of the subject U.S. patent application as amended by the previously filed amendment is identical to Claim 20 of the PCT application as originally filed.* In addition, because the anode comprises an electron-conducting metal having an oxide form which melts at a temperature less than about 1550°C, it also follows that impregnation of porous YSZ with a metal-containing salt solution comprising such an electron-conducting metal to produce such an anode is consistent the scope of Claim 20 of the PCT application. That being the case, Applicants respectfully urge, contrary to the